

The Second Division consisted of the regular members and in addition Referee Martin I. Rose when award was rendered.

Parties to Dispute: ( System Federation No. 99, Railway Employees'  
( Department, A. F. of L. - C. I. O.  
( (Carmen)  
(  
( Illinois Central Gulf Railroad

Dispute: Claim of Employees:

1. That under the current Agreement, Carman Apprentice (Advanced) David W. Skeen was unjustly dismissed from the service of the Illinois Central Gulf Railroad on December 23, 1974.
2. That accordingly the Illinois Central Gulf Railroad be ordered to reinstate Carman Apprentice David W. Skeen to service with seniority unimpaired, be paid for all time lost, and all other benefits he would be entitled to under the current Agreement.

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

The Board has carefully reviewed the entire record in the rather voluminous docket. Based on all the circumstances as developed, we find that discipline was warranted but that permanent dismissal deserves to be mitigated. Therefore, we will award that claimant be restored to service with seniority and other rights unimpaired but without compensation for time lost while out of service.

A W A R D

Claim sustained to the extent indicated in Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Executive Secretary  
National Railroad Adjustment Board

By Rosemarie Brasch /es  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 2nd day of July, 1976.